

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

THOMAS M. MORTIMER,

Petitioner,

v.

**Civil Action No. 3:06-CV-130
(Judge Bailey)**

DOMINIC GUTIERREZ,

Respondent.

ORDER DENYING PETITIONER'S MOTION

The above-styled matter is now before the Court pursuant to the petitioner's Declaration challenging constitutionality of B.O.P.'s regulation regarding halfway-house placement [Doc. 18]. In his motion, the petitioner seeks an injunction against the BOP allowing it to place him in an RRC. However, this Court has previously granted the petitioner relief, which required the BOP to consider him for CCC placement pursuant to the five factors set forth in 18 U.S.C. § 3621(b). In that Order, the Court cautioned the petitioner that the ruling did not entitle him to an Order from this Court directing that he be immediately transferred to a CCC. Records indicate that the BOP has complied with this Court's Order by properly considering the petitioner pursuant to the five factors. Unfortunately, the BOP did not alter its previous determination. As such, this Court finds that it can do no more.

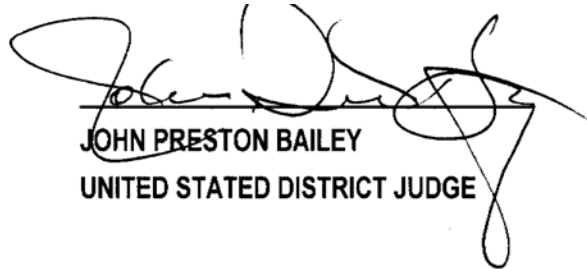
Therefore, after consideration of the grounds in support, this Court must deny the motion. Accordingly, the petitioner's motion [Doc. 18] is hereby **DENIED**.

The Clerk is directed to transmit copies of this Order to all counsel of record, and to

mail a certified copy to the *pro se* petitioner.

It is so **ORDERED**.

DATED: November 9, 2007.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE